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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,404	06/19/2001	Sunil Contractor	BELL-0106/01004	2283

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,404

Applicant(s)

CONTRACTOR, SUNIL

Examiner

Brian D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/24/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Note: The term: "adapted to" is not positively recited limitations. Therefore, the limitations followed this term are not considered the claimed limitations. If the applicant would like to claim the limitations; it is suggested that the applicant delete this term from the claims.

### ***Claim Objections***

2. Claims 5-7 are objected to because of the following informalities:

Claim 5, line 3, "a service control point" seems to refer back to "a service control point" in line 7 of claim 2. If this is true, it is suggested to change "a service control point" to --said service control point--. Claim 5 mentions a second and third data links; claim 4 mentions a [first] data link. Therefore, it is suggested to make claim 5 depends to claim 4.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said service node" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 9 should depend on claim 5 for proper dependency.

Claim 12 recites the limitation "said next telephone number" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 12 should depend on claim 9 for proper dependency.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-14, 16-20, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al (6,937,713).

Regarding claims 1-3, 5-8, and 12, Kung discloses a system comprising a wire line telephone system that determine a forwarding number associated with a called number in response to a busy or no answer, wherein the system include a service switching point, a service signal transfer point, a service control point (SS7), and a service node for setting up and routing a call (see figures 1 & 7; col. 13, lines 22-48).

Regarding claim 4, Kung discloses wireless telephone system (see wireless 144 in figure 1).

Regarding claims 9-11 and 13, Kung discloses a programmable telephone number table includes a first telephone number and at least one next telephone number (see col. 29, lines 48-67).

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Regarding claims 14 and 16-17, Kung discloses a wireless telephone system (see wireless 144 in figure 1).

Regarding claims 18-20 and 24-25, claims 18-20 and 24-25 are method claims that have substantially the same limitations as the respective apparatus claims 1, 4, 9, 12. Therefore, they are subject to the same rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Roberts et al (2003/0207689).

Regarding claim 15, Kung does not specifically disclose the wireless system includes a home location register and a mobile switching center. However, these elements are standard in the mobile network. Roberts discloses these elements (see figure 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a mobile wireless system that include these elements as taught by Roberts in the system of Kung in order to control the wireless communication.

9. Claims 21-23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Kocan et al (5,615,253).

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Regarding claims 21-23, Kung does not specifically disclose call-forwarding indication. However, Kocan discloses this feature (see call forwarding indicator in the abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use call forward indicator as taught by Kocan in the system of Kung in order to control the call processing.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller et al (6,587,867), Gerszberg et al (6,044,403), and Simpson (2002/0077820).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/16/05

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**